

PATENT

Atty. Dkt. No. ATT-145PUS (ATT/2003-0237)

**REMARKS**

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are unpatentable or obvious under the provisions of 35 U.S.C. §§ 112 and 103. The Applicants herein amend claim 15 to address the rejection under 35 U.S.C. § 112 submitted by the Examiner. Various claims have also been amended to address various informalities. Thus, the Applicants believe that all of these claims are now in allowable form.

**I. REJECTION OF CLAIM 15 UNDER 35 U.S.C. § 112**

The Examiner rejected claim 15 under 35 U.S.C. § 112, second paragraph as being indefinite. Specifically, the Examiner asserts that there is insufficient antecedent basis for the limitation "communication network" in line 9. Responsive to the Examiner, the Applicants herein amend claim 15 to recite "the existing telecommunications network." As such, the Applicants respectfully request the rejection be withdrawn.

**II. REJECTION OF CLAIMS 1-15 UNDER 35 U.S.C. § 103**

The Examiner rejected claims 1-15 as being unpatentable under 35 U.S.C. § 103 over Cave, et al. (U.S. Patent No. 6,404,746, issued on June 11, 2002, hereinafter referred to as "Cave") in view of Betta, et al. (U.S. Patent No. 7,035,260, hereinafter referred to as "Betta"). The Applicants respectfully traverse the rejection.

Cave teaches a system and method for packet network media re-direction. Cave teaches using a packet based Voice Response Unit for format translation or multiple device-type access. (See Cave, Abstract).

Betta teaches a voice over IP service implementation for providing multimedia features. (See Betta, Abstract).

The Applicants respectfully submit that Betta is not a proper reference against the Applicants' invention under 35 U.S.C. § 103(c). As the Betta patent was filed on August 27, 2001 and issued on April 25, 2006 which is after the Applicants' March 22, 2004 filing date, the issued Betta patent is a 102(e) type

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reference. The issued Betta patent was assigned to AT&T Corp. (Please see Assignee's name on the first page of Betta).

The Applicants' invention was also assigned to AT&T Corp and recorded in the USPTO on March 22, 2004 (See Enclosed Notice of Recordation of Assignment Document). Thus, the Applicants' invention and the issued Betta patent were commonly assigned at the time of the Applicants' invention. Since this application is an application filed on or after November 29, 1999, the issued Betta patent application does not preclude patentability under the provisions of 35 U.S.C. § 103(c), as amended by the American Inventors Protection Act of 1999. See MPEP 706.02(I)(1).

The Examiner conceded that Cave alone does not disclose forming a first communication link in the circuit based portion of the multi-media provider system, but the Examiner alleged Betta bridges this significant gap. (See Page 3 of the Office Action) Since Betta is not a proper prior art reference, the Examiner's combination of Cave and Betta is an improper rejection.

Moreover, as previously argued, the Examiner's attention is directed to the fact that Cave alone fails to teach or to suggest a method for forming a multi-media communication path comprising processing the call request at the circuit-based portion of the multi-media provider system for forming a first communication link between the first and second communication devices in the circuit based portion of the multi-media provider system and sending predetermined attributes of the first communication link to an IP-based portion of the multi-media provider system for configuring the IP-based portion of the multi-media provider system to provide at least one of a plurality of predetermined multimedia services or a method for providing post answer call re-direction comprising receiving at a Border Element (BE) attributes associated with a telephone call established in a circuit switched network from a calling party and after receiving PACR, routing a re-directed telephone call without accessing the circuit switch, the circuit SCP and the circuit adjunct, as positively claimed by the Applicants' independent claims 1 and 15. Specifically, Applicants' independent claims 1 and 15 recite:

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1. A method of forming a multi-media communication path between at least a first communication device, a second communication device and a third communication device all of which are coupled to a multi-media provider system, the method comprising:

receiving a call request at a circuit-based portion of a multi-media provider system;

processing the call request at the circuit-based portion of the multi-media provider system for forming a first communication link between the first and second communication devices in the circuit based portion of the multi-media provider system;

sending predetermined attributes of the first communication link to an IP-based portion of the multi-media provider system for configuring the IP-based portion of the multi-media provider system to provide at least one of a plurality of predetermined multimedia services; and

monitoring the first communication link for a predetermined request for at least one of the plurality of multi-media services.

(Emphasis added).

15. A method for providing Post Answer Call Redirection (PACR) to provide capacity relief to an existing telecommunications network and to predetermined network elements, the method comprising:

a. receiving at a Border Element (BE) attributes associated with a telephone call established in a circuit switched network from a calling party;

b. transmitting a message from the Border Element to a Call Control Element (CCE) to a Service Broker (SB) to an Application Server (AS) to a Media Server (MS), wherein a first query message is received by the AS without having been routed through a circuit-based portion of the existing telecommunications network and including a circuit switch, a circuit service control point (SCP), and a circuit adjunct;

c. receiving at a Border Element instructions for PACR from the AS;

d. providing PACR, via a combination of the AS, MS, BE, and CCE without accessing the circuit switch, circuit SCP, or circuit adjunct; and

e. after receiving PACR, routing a re-directed telephone call without accessing the circuit switch, the circuit SCP and the circuit adjunct. (Emphasis added).

In one embodiment, Applicants' invention is a method for forming a multi-media communication path comprising processing the call request at the circuit-based portion of the multi-media provider system for forming a first

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communication link between the first and second communication devices in the circuit based portion of the multi-media provider system and sending predetermined attributes of the first communication link to an IP-based portion of the multi-media provider system for configuring the IP-based portion of the multi-media provider system to provide at least one of a plurality of predetermined multi-media services or a method for providing post answer call re-direction comprising receiving at a Border Element (BE) attributes associated with a telephone call established in a circuit switched network from a calling party and after receiving PACR, routing a re-directed telephone call without accessing the circuit switch, the circuit SCP and the circuit adjunct. For example, the Applicants' invention teaches that a first communication link is established within a circuit switched network. (See e.g., Applicants' specification, para. [0030]). Subsequently, call information may be collected by a BE, e.g., the NGBE, and transferred to the IP network. (See *Id.* at para. [0031]). Subsequently, if a post answer call re-direction request is detected, the IP network may establish the call re-direction to the third communicating party without having to access the circuit switched network. (See *Id.* at para. [0036] – [0037]).

Cave fails to anticipate the Applicants' invention because Cave fails to teach or suggest a method for forming a multi-media communication path comprising processing the call request at the circuit-based portion of the multi-media provider system for forming a first communication link between the first and second communication devices in the circuit based portion of the multi-media provider system and sending predetermined attributes of the first communication link to an IP-based portion of the multi-media provider system for configuring the IP-based portion of the multi-media provider system to provide at least one of a plurality of predetermined multi-media services or a method for providing post answer call re-direction comprising receiving at a Border Element (BE) attributes associated with a telephone call established in a circuit switched network from a calling party and after receiving PACR, routing a re-directed telephone call without accessing the circuit switch, the circuit SCP and the circuit adjunct. In contrast, Cave teaches using a packet based voice response unit to

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re-direct phone calls without first establishing a first communication link in a circuit switched network. (See Cave, col. 12, l. 37 – col. 13, l. 23; FIG. 3). To illustrate, Cave teaches that a first call is connected to a packet based VRU via the PSTN and the packet based network. (See Cave, col. 12, ll. 47-61, emphasis added). Notably, in Cave, no call is first established between two communication devices within a circuit switched network.

In contrast, the Applicants' invention teaches a method for forming a multi-media communication path comprising processing the call request at the circuit-based portion of the multi-media provider system for forming a first communication link between the first and second communication devices in the circuit based portion of the multi-media provider system and sending predetermined attributes of the first communication link to an IP-based portion of the multi-media provider system for configuring the IP-based portion of the multi-media provider system to provide at least one of a plurality of predetermined multi-media services or a method for providing post answer call re-direction comprising receiving at a Border Element (BE) attributes associated with a telephone call established in a circuit switched network from a calling party and after receiving PACR, routing a re-directed telephone call without accessing the circuit switch, the circuit SCP and the circuit adjunct. Therefore, Cave and Betta clearly fail to render obvious the Applicants' independent claims 1 and 15.

Moreover, dependent claims 2-14 depend from independent claim 1 and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 2-14 are also patentable over Cave in view of Betta. As such, the Applicants respectfully request the rejection be withdrawn.

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**CONCLUSION**

Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §§ 112 and 103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully Submitted,

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